



September 1, 2004 BZA

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

05AN0109

Melani Bros. (George Britt or Justin Tanner)

Dale Magisterial District
6201 Pointer Terrace

- REQUESTS: I. An eight (8) foot Variance to the twenty-five (25) foot rear yard setback requirement for an existing dwelling.
- II. An eight (8) foot Variance to the twenty-five (25) foot rear yard setback requirement for a proposed dwelling addition.

RECOMMENDATION

Recommend approval of Variance I for the following reasons:

- A. Variance will not impair the character of this residential area.
- B. Variance will not reduce or impair the value of the buildings or property in the surrounding area.

CONDITION

This Variance shall be for the existing dwelling as depicted on the plat attached to staff's report.

Recommend denial of Variance II for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not generally applicable to other properties in the area.

B. Variance is not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

This property is known as 6201 Pointer Terrace. Tax ID 774-668-2966 (Sheet 17).

Existing Zoning:

R-7

Size:

.239 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-7; Residential
South - R-7; Residential
East - R-7; Residential
West - R-7; Residential

Utilities:

Public water and sewer

General Plan:

(Central Area Land Use and Transportation Plan)

Residential
(1.0 to 2.5 units per acre)

DISCUSSION

The applicants have indicated the existing dwelling is located 19.4 feet from the rear property line (see attached site plan). The Zoning Ordinance requires a twenty-five (25) foot setback. The applicants have also indicated the proposed addition will be located seventeen (17) feet from the rear property line. The Zoning Ordinance requires a twenty-five (25) foot setback. Therefore, the applicants request an eight (8) foot Variance to include the existing dwelling and proposed addition.

The applicants provide the following justification in support of this request:

The property is a corner lot with the house sitting on a diagonal, not the traditional side to side (parallel to road). This causes the rear corners of the house to be much closer to the property lines than in the traditional placement of houses.

VARIANCE I

Staff has reviewed the attached site plan and application. Staff believes that this Variance will not reduce or impair the value of the dwellings or property in the area. Staff also notes the dwelling has been on the site for approximately twenty-three (23) years and has not impaired the character of this residential area. Therefore, staff recommends approval of this request subject to the aforementioned condition.

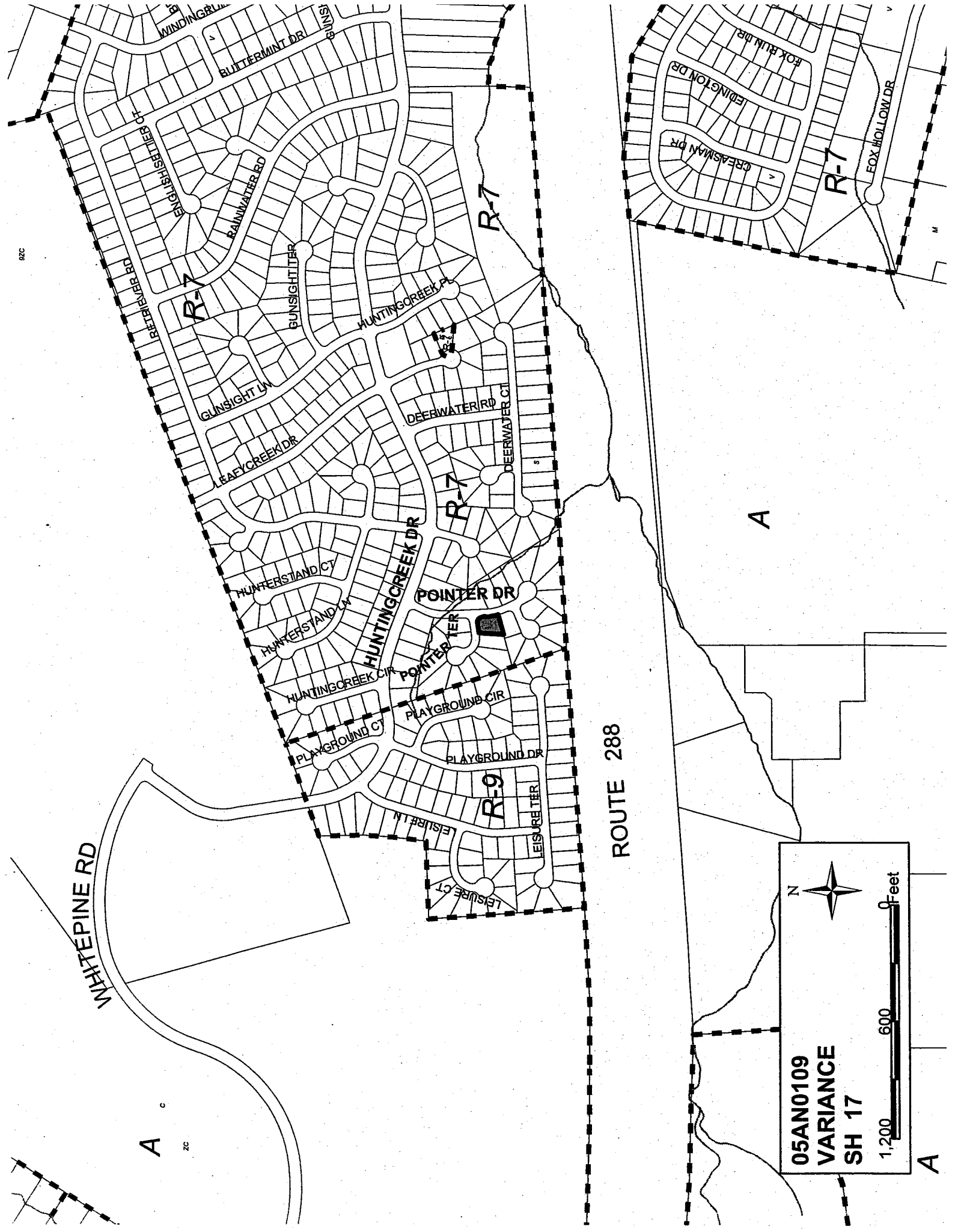
VARIANCE II

As required by the Zoning Ordinance, the applicants have provided no information which would serve as a basis for granting this Variance. Staff finds no physical surroundings, shape or topographical conditions on the property which would present a particular hardship to the owner if this Variance was denied. Staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

Should the Board of Zoning Appeals approve this request, it should be applicable to the proposed dwelling addition only. Other additions or structures could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition.

CONDITION

This Variance shall be for the proposed dwelling addition as depicted on the plat attached to staff's report.



**05AN0109
VARIANCE
SH 17**

1,200 600 0 Feet

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